

IN THE UNITED STATES District Court
For The District of Vermont

Christopher L. Orkins
plaintiff

Edward Dumas
Jason Johnson &
officers, post, Tarbell,
prouty, Garusso And
City of Rutland Vermont
Defendants

Complaint - plaintiff signature
: Christopher Orkins

Complaint with
Jury Demand

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED
2009 OCT 23 AM 10:31
DEPUTY CLERK

Now Comes plaintiff: Christopher L. Orkins
Through Pro Se

Complains as follows

① On The morning of October 21, 2006 (at 3:18³⁰am)
(plaintiff) I Christopher Orkins was walking from the
intersection of pine st. and state streets in
Rutland Vermont toward the premises of my Apartment
at 28 pine st.

② As I was walking back to my Apartment I noticed
officer Garusso standing on The side walk ~~at~~

②

3. While looking at the officer on the sidewalk, I felt something strike my head, I fell to the ground unconscious, I regained consciousness, looked back and saw Edward Dumas ~~struck me with a blunt object~~

4. Rutland city police officer Edward Dumas struck me with a blunt object, possibly his maglite flash light.

5. While I was on my hands and knees; prostrate, Tarbell, Jason Johnson, post and Edward Dumas began to kick and beat me all about my head and body, which caused me to lose consciousness once again.

6 I heard a voice from behind state "Go Home Chris."

7. On October 21 I went to Rutland Regional medical Center Emergency Room; from there I went to Intensive Care Unit; to be treated for my injuries.

8. Dr Harry Chen treated me for swollen lungs on my head; for a swollen hand (from trying to block the wrath); a concussion, Abrasions on the face, Contusions on my face and retroauricular area; Abrasions on my knees; difficulty breathing, nausea, dizziness, and blurring vision, and double vision.

Causes of Action

③

First Cause of Action - Battery by officers Dumas, Tarbell, post, Jason Johnson, prouty

9. Paragraphs one through eight above are incorporated, here by Reference as if set out in full.

10. When he struck me with the baton, Defendant Dumas directly caused harm to me (plaintiff), to wit: pain; suffering; loss of consciousness; bleeding from; and swelling and bruising on my skull difficulty breathing, dizziness, and blurred vision.

11. Defendant's Dumas Action in striking me on my Head was committed intentionally.

12. Jurisdiction over this cause of Action is conferred upon this Court by the doctrine of Supplemental Jurisdiction and 28 U.S.C. § 1367

Second Cause of Action - Constitutional Claim Against Defendant Dumas

13. This cause of Action is brought against, ~~Defender~~ Defendant Dumas individually and not in his official capacity, as a officer sworn by oath (to uphold the law)

(9)

14. Defendant Dumas was at all times pertinent Hereto, acting under color of State Law.

15. I (plaintiff) had clearly established right under the fourth Amendment to the United States Constitution; to be secure in my person. Phrased differently, I have the right not to be physically brutalized.

16. By striking me in the head with a blunt object, Defendant Dumas manifested deliberate indifference, toward my fourth Amendment Right, to be secure in my person.

17. Defendant Dumas knew or should have known that his Action in striking me (plaintiff) was UnConstitutional; as such, Striking petitioner with a blunt instrument was not within the scope of his duties, as a Law Enforcement officer.

18. Jurisdiction over this cause of Action is conferred upon this court by 42 USC. § 1983

Third Cause of Action - Battery by other Assaults / Defendants - Jason Johnson, Post, Tarbell, Prouty,

⑤

19. Paragraphs one through eight Above are incorporated here by reference as it set in full.

20. the officers - tarbell, post, jason jhonson, prouty Actions in kicking and beating me (plaintiff) were committed ~~intentionally~~ intentionally.

21. When they kicked and beat me (plaintiff) about my head and body, the defendants - (tarbell, post, prouty, jason jhonson) to wit: pain suffering; loss of consciousness, bleeding from and swelling and bruising on, my skull, difficulty breathing, dizziness, blurred and double vision.

22. jurisdiction over this Cause of Action is conferred upon this court by the doctrine of Supplemental jurisdiction and 28 USC. § 1367

Fourth Cause of Action - Constitutional Claims Against Defendants - post, Tarbell, jason jhonson, prouty.

23. Paragraphs one through eight Above are incorporated here by reference as it set out in full.

24. I (plaintiff) had a clearly established right under the fourth Amendment to the United States Constitution to be secure in my

⑥

own person, phrased differently, I have the right ~~not~~ to be physically beating.

25. The police officers were at all times pertinent hereto, acting under color state law

26. The officers actions in kicking and beating me (plaintiff) manifested their deliberate indifference to my right to be secure in my own person.

27. The police officers - Tarbell, post, prooty, Jason Johnson, knew or should have known that their actions in kicking and beating petitioner (me) was not within the scope of their duties as a Law Enforcement officers.

Fifth Cause of Action

28. Garrusso IS held Accountable for not interjecting & ~~not~~ upstanding his oath as a LAW ENFORCEMENT ~~o~~ POLICE OFFICER: To protect And serve the people.

Relief

⑦

I am asking the Court To take That my Attorney dropped my case on October 16, 2009 five days before my statue of limitations runs out which is October 21, 2009 in Consideration when he's had my case since: March 19, 2008 He dropped with no just cause / and what I believe without resorable notice (5 days until my statue of limitations runs out.) And I don't have the funds to pursue This havis act that happen to me, I believe in the System and I believe That it applies Towards everyone I am Asking the Court to Give me a Trial by jury "Because what happen to me ~~the~~ effects everyone And its the people That should decide", what if Anything I am or should be Entitled to.

I have Experience Something that most people, Wouldn't have the Courage to Stand up for Them selfs and whats right. I have gone through Alot of disturbing painful things, As a result of what happen to me.

ADDRESS: plaintiff - Christopher ORKINS
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